

Applicant: Donald L. Schilling
Application No.: 10/073,796

REMARKS

In the Office Action, claims 1-7, 10-17 and 20 were rejected as being unpatentable in view of U.S. Patent No. 4,965,821 (Bishop et al.), in view of U.S. Patent No. 4,277,837 (Stuckert). Claims 8, 9, 18 and 19 were rejected under 35 U.S.C. § 103 as being unpatentable over Bishop/Stuckert in view of U.S. Patent No. 5,046,125 (Takizawa). Applicants respectfully traverse there rejections based on the following.

The Office Action concedes that Bishop lacks the teaching of debiting without further interaction from the user after initiating the wireless telephone call and refers to Stuckert as teaching such a limitation. However, Stuckert does not teach that limitation. First, the apparatus disclosed in Stuckert is not capable of making telephone calls and, accordingly, can not debit without further interaction from the user after initiating the wireless telephone call. Furthermore, the procedure for making financial transactions in Stuckert expressly uses interactions from the users, which is totally contrary to the claims. Although there is little discussion regarding the use of the apparatus (XATR) of Stuckert, brief discussion at column

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indicate the credit amount (\$10.24). At column 11, lines 40-47, a journal key can be depressed. At column 11, lines 49-51, the operator depresses an execute key.

Similarly at column 12, lines 35-37, the operator depresses numeric keys to input the transfer amount (\$10.24). At line 44, either party may depress a journal key. At lines 46-52, both parties are required to hit execute keys to finish the transaction. Accordingly, Stuckert discloses using significant interaction during the transactions and teaches away from the present invention.

For the above reasons, Applicant respectfully submits that all of the claims are allowable. If the Examiner does not believe that the claims are in condition for allowance, the Examiner is respectfully requested to contact the undersigned. Reconsideration and entry of this amendment is respectfully requested.

Respectfully submitted,

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